

Marc V. Kalagian  
Attorney at Law: 4460  
Law Offices of Lawrence D. Rohlfing, Inc., CPC  
12631 East Imperial Highway Suite C-115  
Santa Fe Springs, CA 90670  
Tel.: (562) 868-5886  
Fax: (562) 868-8868  
E-mail: rohlfling.office@rohlflinglaw.com

Leonard Stone  
Attorney at Law: 5791  
Shook and Stone, Chtd.  
710 South 4th Street Las Vegas, NV 89101  
Tel.: (702) 385-2220  
Fax: (702) 384-0394  
E-mail: MRobles@shookandstone.com

Attorneys for Plaintiff  
Brian BGG

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

BGG,	)	Case No.: 2:23-cv-00954-MDC
	)	
Plaintiff,	)	STIPULATION FOR THE AWARD
	)	AND PAYMENT OF ATTORNEY
vs.	)	FEES AND EXPENSES PURSUANT
	)	TO THE EQUAL ACCESS TO
MARTIN O'MALLEY,	)	JUSTICE ACT, 28 U.S.C. § 2412(d)
Commissioner of Social Security,	)	AND COSTS PURSUANT TO 28
	)	U.S.C. § 1920; AND ORDER
Defendant.	)	
	)	
	)	

TO THE HONORABLE MAXIMILIANO D. COUVILLIER,  
MAGISTRATE JUDGE OF THE DISTRICT COURT:

IT IS HEREBY STIPULATED by and between the parties through their  
undersigned counsel, subject to the approval of the Court, that BGG be awarded  
attorney fees and expenses in the amount of five thousand nine hundred fifty-one

1 dollars and ninety-five cents dollars (\$5,951.95) under the Equal Access to Justice  
2 Act (EAJA), 28 U.S.C. § 2412(d), and no costs under 28 U.S.C. § 1920. This  
3 amount represents compensation for all legal services rendered on behalf of  
4 Plaintiff by counsel in connection with this civil action, in accordance with 28  
5 U.S.C. §§ 1920; 2412(d).

6 After the Court issues an order for EAJA fees to BGG, the government will  
7 consider the matter of BGG's assignment of EAJA fees to Law Offices of  
8 Lawrence D. Rohlfing, Inc., CPC. The retainer agreement containing the  
9 assignment is attached as exhibit 1. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521,  
10 2529 (2010), the ability to honor the assignment will depend on whether the fees  
11 are subject to any offset allowed under the United States Department of the  
12 Treasury's Offset Program. After the order for EAJA fees is entered, the  
13 government will determine whether they are subject to any offset.

14 Fees shall be made payable to BGG, but if the Department of the Treasury  
15 determines that BGG does not owe a federal debt, then the government shall cause  
16 the payment of fees, expenses and costs to be made directly to Law Offices of  
17 Lawrence D. Rohlfing, Inc., CPC, pursuant to the assignment executed by BGG.<sup>1</sup>  
18 Any payments made shall be delivered to Law Offices of Lawrence D. Rohlfing,  
19 Inc., CPC.

20 This stipulation constitutes a compromise settlement of BGG's request for  
21 EAJA attorney fees, and does not constitute an admission of liability on the part of  
22 Defendant under the EAJA or otherwise. Payment of the agreed amount shall  
23 constitute a complete release from, and bar to, any and all claims that BGG and/or  
24

---

25 <sup>1</sup> The parties do not stipulate whether counsel for the plaintiff has a cognizable lien  
26 under federal law against the recovery of EAJA fees that survives the Treasury  
Offset Program.

Marc V. Kalagian including Law Offices of Lawrence D. Rohlring, Inc., CPC may have relating to EAJA attorney fees in connection with this action.

This award is without prejudice to the rights of Marc V. Kalagian and/or the Law Offices of Lawrence D. Rohlring, Inc., CPC to seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

DATE: February 16, 2024 Respectfully submitted,

LAW OFFICES OF LAWRENCE D. ROHLRING, INC., CPC  
SHOOK AND STONE, CHTD.

/s/ *Marc V. Kalagian*<sup>2</sup>

BY:

Marc V. Kalagian  
Attorney for plaintiff BGG

DATED:

JASON M. FRIERSON  
United States Attorney

/s/ *Michael J Mullen*

MICHAEL J MULLEN  
Special Assistant United States Attorney  
Attorneys for Defendant MARTIN O'MALLEY,  
Commissioner of Social Security  
(Per e-mail authorization)

**ORDER**

It is so ordered.

DATE:

THE HONORABLE MAXIMILIANO D. COUVILLIER  
UNITED STATES MAGISTRATE JUDGE

<sup>2</sup> Counsel for the plaintiff attests that all other signatories listed, and on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.

**PROOF OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 12631 East Imperial Highway, Suite C-115, Santa Fe Springs, California 90670.

On this day of February 20, 2024, I served the foregoing document described as STIPULATION FOR THE AWARD AND PAYMENT OF ATTORNEY FEES AND EXPENSES PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT, 28 U.S.C. § 2412(d) AND COSTS PURSUANT TO 28 U.S.C. § 1920; AND ORDER on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Maria Guerra Mendoza  
201 Wild Rose Street  
Las Vegas, NV 89107

I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at Santa Fe Springs, California.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

I declare that I am employed in the office of a member of this court at whose direction the service was made.

Marc V. Kalagian  
TYPE OR PRINT NAME

*/s/ Marc V. Kalagian*  
SIGNATURE

**CERTIFICATE OF SERVICE  
FOR CASE NUMBER 2:23-CV-00954-MDC**

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for this court by using the CM/ECF system on February 20, 2024.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system, except the plaintiff served herewith by mail.

*/s/ Marc V. Kalagian*

---

Marc V. Kalagian  
Attorneys for Plaintiff